IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 5703 OF 2007

Mrs. Juveria Atif Mansuri.... Petitioner

versus

Mr. Atif Iqbal Mansuri..... Respondent.

Mr. H.S. Anant i/b Mrs. Sarita Donde for petitioner.

Mrs. Mrunalini Deshmukh with Hitesh Jain & Subhash Jadhav i/b. AIMT Legal for respondent.

CORAM; A.P. DESHPANDE, J.
DATED; 07TH AUGUST, 2007

P.C.;

1. The present petitioner is wife whereas the respondent is the husband. There is a male child born out of the marital wedlock who is of about one year age. By an order dated 20-9-2006 the Family Court granted access to the respondent father to the son for half an hour. It may not be out of place to state that the present petitioner in all fairness did not object to granting access to the respondent on the basis of which the court passed an order on 20-9-2006. The petitioner has objected to an order dated 25-7-2007 which, in addition, permitted the respondent to take the child to his house for an hour on any Saturday during his visit from 5th to 20th of every

month. The learned counsel for the petitioner submits that there was no need for the Family Court to have permitted the respondent to carry the child to the residence of the respondent for an hour and the respondent could have been permitted to have access to the child at the residence of the petitioner. What is pertinent to note is that the house of the petitioner's parents so also the house of the respondent is situated in a same building. The court has observed that the parents of the respondent can also see the child, if the respondent is permitted to carry the child to the residence of the respondent.

2. Perused the order. The same does not call for any interference. The writ petition is thus summarily dismissed.

3. At this stage, the learned counsel for the petitioner submits that the petitioner be permitted to stay along with the child as and when the respondent carries the child to his residence, in pursuance of the order passed by the Family Court. The learned counsel for the respondent has no objection and thus it shall be open for the petitioner to accompany the child.

4. The petitioner has expressed an apprehension that

the respondent may carry the child to out of India. The learned counsel for the respondent denies the same and undertakes to place on record an affidavit stating therein that the respondent will neither take a passport for the child nor take the child out of India.

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